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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,107	07/05/2000	Keiichi Koshiba	P19702.P03	4696

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2614

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 09/610,107	Applicant(s) KOSHIBA, KEIICHI	
	Examiner Annan Q Shang	Art Unit 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-49.

Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____

Continuation of 3. NOTE: : Amendment to the claims (1, 2, 6-9, 18, 19, 22, 31, 35-37 and 44-49) such as "providing arrangement being a unidirectional communication" changes the scope of the claims and would require further search and consideration.

With respect to claims 1-17, 20-21, 29-30 and 47-48, applicant argues that Barnett fails to teach the claimed limitation, "identifying data particular to the selected information."

In response Examiner, agrees that the User Specific data (such as user's name, social security number, or online address) of Barnett is not particular to the selected data. However, besides the various user specific data in the form of a unique user bar code, Barnett further teaches in figure 9, where the user generates variable coupons or sets of coupons (col. 13, lines 58-67), obtains User data and product data, and analyzes the data to the determine subsequent coupon sets, the coupon sets are then transmitted to the the Service-P or Coupon Distributor. Examiner maintains that, the coupon sets includes data that identifies a set of coupons or a set of data selected by the user and also identifies the product data particular to the selected set of coupons or set of data. Hence Barnett teaches the claimed "identifying data particular to the selected data."

With respect to claim 28, applicant did not amend and further did not present arguments. Hence the rejection is maintained.


With respect to claim 31, applicant amends claim and further presents arguments. Examiner, maintains the rejection was proper since is proper to refer to a server, an apparatus, etc., to meet all the functions of the claimed limitations, if the server, apparatus, etc., meets all the claimed limitations, as such, it is proper to refer to Online Service Provider and Online Communication apparatus 44 to teach a specific limitations of a claim if the elements meets the claimed limitations.

With respect to claims 32-34, applicant further argues and request explanation to an information management apparatus that transmits information to "a communication terminal by calling out information on a basis of a particular code or code related to the particular code."

In response to applicant's argument, Barnett clearly teaches the RPC 6 (User Terminal) first registers with Service-P/CATV 2, and Service-P/CATV 2 communicates user requests to other sites such as WWW or Internet Site of CD/CI (coupon distributor). As also discussed above RPC 6 generates sets of coupons and transmits the sets of couple to the Service-P/CATV 2 and to enable the Service-P/CATV 2 to differiate between each set of coupons, a particular code of code related to the set of coupons is added to enable the Service P/CATV 2 to retrieve the set of coupons locally if available or order "calling out" using the code that identifies a request set of coupons to fulfil the user's request.

With respect to amended claims 35-37, and claims 39, 41-42 the RPC 6 meets the claimed limitation of a television receiver or set-top box, since Barnett clearly teaches other embodiment such as a television system (col. 13, lines 16-30).

With respect to the combination of Barnett in view of Shoff, the combination is proper and the appropriate motivation was given.


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